



2023 ASSEMBLY JOINT RESOLUTION 76

September 29, 2023 - Introduced by Representatives AUGUST, GUSTAFSON, DITTRICH, ALLEN, PLUMER, HURD, MAXEY, O'CONNOR, RETTINGER, SCHUTT, ARMSTRONG, MAGNAFICI, NEDWESKI, BODDEN, SNYDER, PETERSEN, ROZAR, BEHNKE, MURSAU, PENTERMAN, SWEARINGEN, SCHRAA, EDMING, MURPHY, BROOKS, BINSFELD, GREEN, SUMMERFIELD, MOSES, CALLAHAN, DALLMAN, SCHMIDT, GOEBEN, WITTKE, GUNDRUM, DUCHOW, MELOTIK, S. JOHNSON, BRANDTJEN, BORN and MICHALSKI, cosponsored by Senators BRADLEY, NASS, WANGGAARD, JACQUE, STROEBEL, BALLWEG, JAGLER, QUINN, TOMCZYK, TESTIN, MARKLEIN, FELZKOWSKI, STAFSHOLT and CABRAL-GUEVARA. Referred to Committee on Campaigns and Elections.

To renumber and amend section 1 of article III; and **to create** section 1 (1) of article III of the constitution; **relating to:** eligibility to vote in Wisconsin (second consideration).

Analysis by the Legislative Reference Bureau

EXPLANATION OF PROPOSAL

This proposed constitutional amendment, to be given second consideration by the 2023 legislature for submittal to the voters in November 2024, was first considered by the 2021 legislature in 2021 Senate Joint Resolution 32, which became 2021 Enrolled Joint Resolution 13.

Currently, the constitution provides that every United States citizen age 18 or older who is a resident of an election district in Wisconsin is a qualified elector of that district. A qualified elector is an individual who is eligible to vote in Wisconsin, subject to requirements established by law, such as voter registration.

This constitutional amendment specifies that only a United States citizen age 18 or older is a qualified elector and only such a qualified elector may vote in an election for national, state, or local office or at a statewide or local referendum.

PROCEDURE FOR SECOND CONSIDERATION

When a proposed constitutional amendment is before the legislature on second consideration, any change in the text approved by the preceding legislature

causes the proposed constitutional amendment to revert to first consideration status so that second consideration approval would have to be given by the next legislature before the proposal may be submitted to the people for ratification [see joint rule 57 (2)].

If the legislature approves a proposed constitutional amendment on second consideration, it must also set the date for submitting the proposed constitutional amendment to the people for ratification and must determine the question or questions to appear on the ballot.

Whereas, the 2021 legislature in regular session considered a proposed amendment to the constitution in 2021 Senate Joint Resolution 32, which became 2021 Enrolled Joint Resolution 13, and agreed to it by a majority of the members elected to each of the two houses, which proposed amendment reads as follows:

SECTION 1. Section 1 of article III of the constitution is renumbered section 1 (2) of article III and amended to read:

[Article III] Section 1 (2) ~~Every~~ Only a United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district who may vote in an election for national, state, or local office or at a statewide or local referendum.

SECTION 2. Section 1 (1) of article III of the constitution is created to read:

[Article III] Section 1 (1) In this section:

(a) “Local office” means any elective office other than a state or national office.

(b) “National office” means the offices of president and vice president of the United States, U.S. senator, and representative in congress.

(c) “Referendum” means an election at which an advisory, validating, or ratifying question is submitted to the electorate.

(d) “State office” means the offices of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state superintendent of public instruction, justice of the supreme court, court of appeals judge, circuit court judge, state senator, state representative to the assembly, and district attorney.

SECTION 3. Numbering of new provision. If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative

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reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

Now, therefore, be it resolved by the assembly, the senate concurring,

That the foregoing proposed amendment to the constitution is agreed to by the 2023 legislature; and, be it further

Resolved, That the foregoing proposed amendment to the constitution be submitted to a vote of the people at the election to be held on the first Tuesday of November, 2024; and, be it further

Resolved, That the question concerning ratification of the foregoing proposed amendment to the constitution be stated on the ballot as follows:

QUESTION 1: “*Eligibility to vote.* Shall section 1 of article III of the constitution, which deals with suffrage, be amended to provide that only a United States citizen age 18 or older who resides in an election district may vote in an election for national, state, or local office or at a statewide or local referendum?”

(END)